

Chairman's Report/Executive Director: Feb 22, 1996

✓ 1. Call to Order/Roll Call.

(Call on Margit to take the roll.)

✓ 2. Public Comments.

PAT: This is the time for public comments on items not on the agenda.

✓ 3. Minutes of January 25, 1996 Meeting.

PAT: I need to make a correction to the minutes. At the start of the last meeting, I made an announcement regarding the closed session. What the minutes should reflect is this: "There was no action to report from the closed session held at the beginning of the meeting".

Are there any further changes or corrections to the minutes?
I need a motion-- and a second; VOICE VOTE.

✓ 4. Chairman's Report.

NEXT MEETING: The next meeting of the Commission will be on Thursday, March 28, 1996 at 6:30 p.m. here in the Jean Harvie Community Center.

CALFED: As you know, I am a member of the CALFED Advisory Committee. You should all be aware that CALFED staff has prepared and distributed 20 different alternatives for resolving Bay-Delta management. You have received tonight, a packet with materials summarizing those 20 alternatives. From those 20, 5 to 8 alternatives will be refined and then reviewed in an environmental document. This packet highlights the elements seen throughout the 20 alternatives which would affect LAND USE in the Delta Primary Zone. I have also prepared a letter to CALFED asking that their alternatives support bringing all Delta levees to the PL-99 standard; currently the alternatives recommend PL-99 standard levees for only some islands; the rest would be HMP standard only. Both Margit and I are reviewing the materials and would be glad to provide additional information; you also know the Commissioner Potter is involved and has a great deal of information on the process.

LAWSUIT: As you recall, BioGro sued the Commission in state court regarding Utilities and Infrastructure Policy P-3. The judge determined that P-3 is a regulation and because it was not adopted as a regulation it is not enforceable. In order to be enforceable, regulations must be adopted in conformance with the requirements of the Administrative Procedure Act, and then submitted to and approved by the Office of Administrative Law--OAL.

The Commission discussed the lawsuit in closed session at the last meeting and reached a tentative decision which was confidential at that time due to conditions which needed to be addressed by counsel between meetings. Since those conditions now have been addressed, I can announce that the Commission has decided not to appeal the Judge's decision, and will comply with the decision. Utilities and Infrastructure Policy P-3 is therefore "set aside", and will not be enforced.

As the Chairman, I have given direction to staff to initiate a rulemaking proceeding in compliance with the Administrative Procedure Act to propose the adoption of P-3 as a regulation. Accordingly, I have asked the Attorney General's Office to inform the Court that the Commission is complying with the Peremptory Writ and has initiated a rulemaking proceeding.

To start the Rulemaking process, a notice will be published by OAL tomorrow, and copies of that notice are available tonight. In addition, because the adoption of the regulation will be an amendment to the Plan, we are required to hold three public hearings. The hearings have been scheduled for:

our next meeting at 6:30 p.m. on March 28, here in Jean Harvie Community Center;

at 10:00 a.m. on Thursday, April 4 at the Roberts Island Union Farm Center on Roberts Island; and

at 10:00 a.m. on Monday, April 8, in the Theater at the Antioch Community Center in Antioch.

I would like to have as many Commission members as possible attend the public hearings at Roberts Island Union Farm Center and in Antioch. The Commission will be sitting as a "committee of the whole" to receive public testimony, and is not subject to a quorum.

In the interim, the Counties will be the "front line" for evaluating proposals for new sewage treatment plants and for disposal of sewage effluent and sewage sludge. I will, as Chairman, write to the Contra Costa, Solano, Yolo and Sacramento Counties asking their support of the Commission's previously adopted position; as you recall, San Joaquin County has already adopted a General Plan policy which precludes disposal of sludge and effluent in the Primary Zone.

5. Report from Levee Subcommittee.

6. Attorney General's Report.

Call on RICK FRANK.

7. Executive Director's Report.

I am happy to let you know that legislation to extend the Commission has just been introduced, the number is SB 1673--its so new I couldn't get a printed copy off the Internet. The co-sponsors are Senators Johnston and Boatwright, and Assemblymembers Rainey, Machado and Hannigan. Commissioner Sekelsky and I met with Ass. Bowler--he said he would probably vote for it, but was not prepared to agree to co-sponsor. And Commissioner Nottoli and I will be meeting with Senator Johanneson on Monday to ask his support.

The Secretary for Resources has asked your staff to assist in administrative tasks associated with the Delta Levees Advisory Committee which meets to discuss SB 34 issues. I have helped with the first meeting in Feb (since July).

I also attended a meeting for Land Trusts throughout the State sponsored by Trust for Public Lands. The only Delta group there was the Yolo Land Trust. There seems to be a trend for smaller, special focus, land trusts. I have forwarded to the Delta land trusts information about two grant programs that were discussed at the meeting.

Western Water: Jan/Feb: Issue on Delta Developments

DUCKS UNLIMITED: New technical report: The Northern Pintail.

The Commission, through the Chair, agreed to be a sponsor of a workshop on vessel traffic conflicts on waterways used by recreation boaters in Washington DC on Friday May 10--I have some brochures here.

• Calif Water Resources Assoc. Spring Conference 3/28-29 in Tulipita = Theme = Delta (CalFed).
You received an updated roster in your packet.

The office can now receive e-mail. You have received our e-mail address.

A final announcement: to those of you who have not yet submitted your FPPC reports to me, please do so. They are due at the start of April.

8. Pending Projects Memo.

PAT: Are there any questions or comments about the pending projects memo?

9. Briefing on Status of Delta Levees.

PAT: I asked staff to brief the Commission on the status of levees in the Delta during the current high water levels.
CALL ON MARGIT

MARGIT: Thank you Mr. Chairman. I contacted the Flood Center this morning and spoke with Keith Luster, the Coordinator of Field Operations. He said he is the person to get a call if there is a problem on a levee. As of this morning, there had been no calls. He said there has been some sloughing reported along Steamboat Slough, but he categorized that as "maintenance" level. I understand there is "sinkhole" on Twitchell Island--the sinkhole is under observation.

10. Briefing on Egeria Densa.

PAT: At the last meeting, we received public comment and several letters regarding an aquatic plant causing problems in the western Delta. At that time, we directed staff to gather and present additional information about this plant.
CALL ON MARGIT

MARGIT: I prepared this brief memo regarding Egeria densa to provide additional information for the Commission. I did not receive the materials I was promised by Mr. Anderson, But I found out his research has been temporary control with a copper based herbicide called Komeen. It does not eradicate the plant.

Second, Assemblyman Rainey has introduced legislation regarding Egeria densa control. The bill is AB 2193. We were able to get a copy off the Internet.

PAT: Are there any questions or comments? Any public comments? (No action is agendized)

11. Briefing on Oil Spill Prevention and Response Program.

PAT: Carl Jochums of the Department of Fish and Game is here tonight to brief the Commission on the Delta segment of the San Francisco Bay Area Oil Spill Area Contingency Plan.
CALL ON CARL JOCHUMS.

Are there any questions of Mr. Jochums? Are there any public comments on the presentation? (NO ACTION is agendized)

12. Commission Consideration and Possible Adoption of Changes in Work Program to Direct Staff to Prepare a Study of Bringing Delta Levees up to PL-99 Standards or 192-82 Standards.

PAT: The Budget and the Levee Subcommittees have both recommended a study to help the Commission and the Reclamation Districts better understand the amount of work needed to bring the Delta levees to the Corps' PL-99 standards. This is the slightly higher level of safety included in the Commission's adopted Plan. I will call on staff to present a proposal to modify the Commission's adopted work program to carry out this work. CALL ON MARGIT.

MARGIT: Thank you Mr. Chairman. As you noted, the Commission has included in the Delta Plan the recommendation that the Delta levees be brought to the PL-99 agricultural standard to increase the stability and reliability of the levees, and to allow the levees to be eligible for Corps assistance in the case of a catastrophic event. To develop more information about how this can be accomplished, a study would be prepared using existing data developed by the Reclamation Districts regarding the existing cross sections, and then develop estimates of the volume of material needed to bring the levees to the PL-99 standards. In addition, staff will seek information about the various sources of suitable material which may become available in the next few years from various sources. Finally, as feasible, staff will develop estimates of the costs of various options such as imported fill versus dredged material. Staff will of course ask for assistance from federal, State and Reclamation Districts and their contractors. The Commission contract with Teale data center has substantial funds remaining and work to put the results of the study "on line" could be covered by the Commission's existing contract.

There should be adequate staff time to carry out the project because two items on the work program have been dropped by the sponsors: the Mosquito Abatement District study and the Ducks Unlimited grants program.

PAT: Are there questions of staff?

Are there public comments?

Any further Commissioner discussion?

Need MOTION; and SECOND: VOICE VOTE.

13. Commissioner Comments.

14. Adjourn. Time of Adjournment:_____